

MEMORANDUM

Agenda Item No. 11(A)(32)

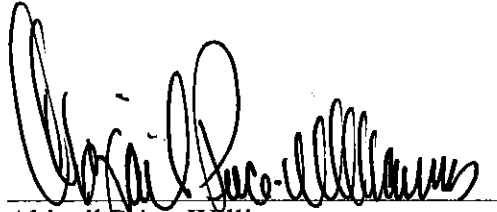
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the
County Mayor to develop and
implement a framework to ensure
proactive enforcement of the
County code requirements
pertaining to landscaping and
external property upkeep and
maintenance, and to provide a
report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney

APW/smm

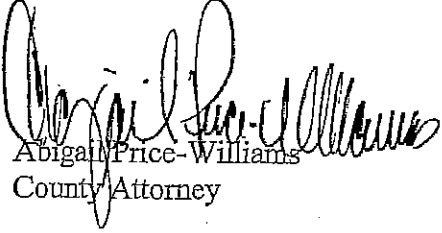


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(32)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(32)

11-1-16

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO DEVELOP AND
IMPLEMENT A FRAMEWORK TO ENSURE PROACTIVE
ENFORCEMENT OF THE COUNTY CODE REQUIREMENTS
PERTAINING TO LANDSCAPING AND EXTERNAL
PROPERTY UPKEEP AND MAINTENANCE, AND TO
PROVIDE A REPORT

WHEREAS, in 2003 this Board adopted Ordinance No. 03-160, the Responsible
Property Owner and Merchant Act, now codified in chapter 19 of the Code of Miami-Dade
County; and

WHEREAS, this ordinance created various standards for external upkeep and
maintenance of business and commercial properties to ensure that the aesthetics of properties
located in Miami-Dade County are second to none; and

WHEREAS, recently, an ordinance was prepared and introduced to amend chapter 18A
of the code with the goal of improving tree quality in the County and enhancing our
community's aesthetics and beautification, making it a more desirable place for our residents to
live and for tourists from around the world to visit each year; and

WHEREAS, this ordinance was adopted on first reading at this Board's September 7,
2016 meeting and will be heard at committee in November 2016; and

WHEREAS, code requirements in chapters 18A, 19, and 33 pertaining to landscaping
and property upkeep and maintenance are an ongoing responsibility of the property owner, yet
many property owners are not aware of, or do not act on, this responsibility until the County puts
them on notice of potential violations through warnings and notices resulting from enforcement
actions; and

WHEREAS, to ensure that the requirements of chapters 18A, 19, and 33 are given greater efficacy, there is a need to develop a framework that will educate property owners, as well as provide a mechanism to uniformly address these ongoing responsibilities through proactive enforcement; and

WHEREAS, preliminarily, the Department of Regulatory and Economic Resources (the “Department”) is considering whether the code may be amended to require a renewable certificate of use (CU) for commercial and industrial properties exceeding a certain size, with the CU tied to the overall site and not to individual businesses operating on some portion thereof, such that periodically the site will be up for inspection, and renewal of the CU will in part hinge upon the property demonstrating compliance with the requirements of chapters 18A and 19 of the code; and

WHEREAS, however, the Department needs to evaluate and determine a number of critical variables before any such requirement may be imposed, including the appropriate land use categories, property location, and minimum lot size that would be subject to the renewable CU requirement, as well as the reasonable frequency with which to require renewal of that CU; and

WHEREAS, in addition, the Department will also need to evaluate and determine the staffing and technology needs associated with implementing the renewable CU requirement, and the costs associated therewith, as well as the appropriate amount of the fee for the renewable CU to cover the Department’s administrative costs related to notices, systems modifications, and cost of services (including CU application intake, records research, and site inspection, among others); and

WHEREAS, this Board wishes for the Department to expeditiously proceed with developing and implementing a framework for educating property owners and for proactive enforcement as outlined above,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are hereby approved and incorporated herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to develop and implement a framework to ensure proactive enforcement of the Code of Miami-Dade County requirements pertaining to landscaping and external property upkeep and maintenance, with the goal of educating property owners regarding their ongoing obligations under chapters 18A, 19, and 33 of the code, and providing a mechanism through which property owners may uniformly address such obligations. The County Mayor or County Mayor's designee shall provide a report detailing recommendations for further legislation, including, at a minimum: whether the code should be amended to require a renewable certificate of use (CU) for commercial and industrial properties exceeding a certain size, with the CU tied to the overall site and not to individual businesses operating on some portion thereof, such that every so many years the site will be up for inspection, and renewal of the CU will in part hinge upon the property demonstrating compliance with the requirements of chapters 18A, 19, and 33 of the code; the appropriate land use categories, property location, and minimum lot size that would be subject to the renewable CU requirement; and the costs associated with implementation. The required report shall be provided to this Board within 180 days of the effective date of this resolution, and shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



James Eddie Kirtley